

**Introduced by Senator Yee**

February 18, 2011

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An act to amend Sections 4925, 4927, and 4937 of the Business and Professions Code, relating to acupuncture.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 628, as introduced, Yee. Acupuncture: regulation.

Existing law, the Acupuncture Licensure Act, establishes the Acupuncture Board and makes it responsible for enforcing and administering the act, including licensing persons who meet specified licensure requirements. Under the act, licensees are titled "acupuncturists," and are authorized to perform designated activities pursuant to their license.

This bill would retitle the designation "acupuncturist" to Doctor of Traditional Chinese Medicine and would expand the scope of authorized activities for these practitioners under their license to include the performance of traumatology, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 4925 of the Business and Professions
- 2     Code is amended to read:
- 3     4925. (a) This chapter constitutes the chapter on acupuncture
- 4     of the Business and Professions Code.
- 5     This chapter shall be known and may be cited as the Acupuncture
- 6     Licensure Act. Whenever a reference is made to the Acupuncture

1 Licensure Act by the provisions of any statute, it is to be construed  
2 as referring to the provisions of this chapter.

3 (b) Any reference in this chapter, or to the regulations pertaining  
4 thereto, to “certificate” or “certification” shall hereafter mean  
5 “license” or “licensure.” Any reference to the term “certifying”  
6 means “licensing,” and the term “certificate holder” means  
7 “licensee.” Any reference to the “Acupuncture Committee” or  
8 “committee” means the “Acupuncture Board” or “board.”

9 (c) *The title “acupuncturist,” as applied to an individual to  
10 whom a license has been issued to practice acupuncture pursuant  
11 to this chapter that is in effect and is not suspended or revoked, is  
12 renamed Doctor of Traditional Chinese Medicine. Any reference  
13 by the provisions of this chapter, this code or other codes, or in  
14 any statute or regulation to an acupuncturist shall be deemed a  
15 reference to a Doctor of Traditional Chinese Medicine.*

16 SEC. 2. Section 4927 of the Business and Professions Code is  
17 amended to read:

18 4927. As used in this chapter, unless the context otherwise  
19 requires:

20 (a) “Board” means the Acupuncture-~~Board~~: *Board*.

21 (b) “Person” means any individual, organization, or corporate  
22 body, except that only individuals may be licensed under this  
23 chapter.

24 (c) “Acupuncturist” means an individual to whom a license has  
25 been issued to practice acupuncture pursuant to this chapter, which  
26 is in effect and is not suspended or revoked. *Any reference to  
27 acupuncturist in this chapter, this code or other codes, or in any  
28 statute or regulation shall be deemed to mean a Doctor of  
29 Traditional Chinese Medicine.*

30 (d) “Acupuncture” means the stimulation of a certain point or  
31 points on or near the surface of the body by the insertion of needles  
32 to prevent or modify the perception of pain or to normalize  
33 physiological functions, including pain control, for the treatment  
34 of certain diseases or dysfunctions of the body and includes the  
35 techniques of electroacupuncture, cupping, and moxibustion.

36 SEC. 3. Section 4937 of the Business and Professions Code is  
37 amended to read:

38 4937. An acupuncturist’s license authorizes the holder thereof:

39 (a) To engage in the practice of acupuncture.

(b) To perform or prescribe the use of Asian massage, acupressure, breathing techniques, exercise, heat, cold, magnets, nutrition, diet, herbs, plant, animal, and mineral products, and dietary supplements to promote, maintain, and restore health. Nothing in this section prohibits any person who does not possess an acupuncturist's license or another license as a healing arts practitioner from performing, or prescribing the use of any modality listed in this subdivision.

*(c) To practice traumatology. Traumatology includes a range of treatments to address both acute and chronic musculoskeletal conditions, as well as many nonmusculoskeletal conditions. Techniques include, but are not limited to, brushing, kneading, rolling, pressing, and rubbing the areas between each of the joints to open the body's defensive chi and stimulate the energy movement in both meridians and the muscles so that the licensee is able to use range of motion, traction, and massage with the stimulation of acupuncture points.*

~~(e)~~

(d) For purposes of this section, a "magnet" means a mineral or metal that produces a magnetic field without the application of an electric current.

~~(d)~~

(e) For purposes of this section, "plant, animal, and mineral products" means naturally occurring substances of plant, animal, or mineral origin, except that it does not include synthetic compounds, controlled substances or dangerous drugs as defined in Sections 4021 and 4022, or a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

~~(e)~~

(f) For purposes of this section, "dietary supplement" has the same meaning as defined in subsection (ff) of Section 321 of Title 21 of the United States Code, except that dietary supplement does not include controlled substances or dangerous drugs as defined in Section 4021 or 4022, or a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

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